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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,113	05/24/2001	Carl Phillip Gusler	AUS920010251US1	1463
7590	07/27/2004		EXAMINER	
Robert H. Frantz P.O. Box 23324 Oklahoma City, OK 73123-2334			RHODE JR, ROBERT E	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/864,113

Applicant(s)

GUSLER ET AL.

Examiner

Rob Rhode

Art Unit

3625



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1- 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1- 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/15/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

Applicant amendment of 6-1-04 amended the specification and claims 1, 10 and 19 as well as traversed rejections of Claims 1 - 27.

Currently, claims 1- 27 are pending.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1- 6, 8 – 15, 17 – 24 and 26 - 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 2002/0154171 A1) in view of Banks (US 2002/0095465 A1).**

Regarding claim 1 and related claims 10 and 19, Lee teaches a method and system for providing enhanced online shopping experiences to online shoppers for automatic association of two or more online shoppers, said method comprising the steps of: an online shopper searching a list of concurrently online shoppers according to a set of queries, said shoppers each contemporarily being a user of a common virtual shopping resource, said shoppers being otherwise disassociated with each other (see at least

Para 0003, 0004, 0082 and 0083); notifying a first online shopper that at least one other concurrently online shopper meets said search criteria (see at least 0078); and automatically associating said first online shopper with said one or more concurrently online shoppers meeting said criteria (see at least Para. 0078, 0082 and 0083).

Although Lee does disclose and teach queries, Lee does not specifically disclose and teach a method of searching a list of concurrently online shoppers according to a set of "search criteria".

On the other hand, Banks teaches a method and system for searching a list of concurrently online shoppers according to a set of "search criteria" (see at least Para 0064).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Lee with the method and system of Banks to have enabled a method and system for providing enhanced online shopping experiences to online shoppers for automatic association of two or more online shoppers, said method comprising the steps of: an online shopper searching a list of concurrently online shoppers according to a set of search criteria, said shoppers each contemporarily being a user of a common virtual shopping resource, said shoppers being otherwise disassociated with each other; notifying a first online shopper that at least one other concurrently online shopper meets said search criteria; and

automatically associating said first online shopper with said one or more concurrently online shoppers meeting said criteria – in order to initiate real time communications with other online shoppers. In this manner, the method and system provided services would increase customer satisfaction with these additional capabilities. Lee discloses a method and system for providing enhanced online shopping experiences to online shoppers for automatic association of two or more online shoppers, said method comprising the steps of: an online shopper searching a list of concurrently online shoppers according to a set of queries, said shoppers each contemporarily being a user of a common virtual shopping resource, said shoppers being otherwise disassociated with each other; notifying a first online shopper that at least one other concurrently online shopper meets said search criteria (see at least 0078); and automatically associating said first online shopper with said one or more concurrently online shoppers meeting said criteria (Para 0078, 0082 and 0083). Banks teaches a method and system for searching a list of concurrently online shoppers according to a set of search criteria (see at least Para 0064). Therefore, one of ordinary skill in the art would have been motivated to extend the method and system of Lee with a method and system for searching a list of concurrently online shoppers according to a set of search criteria. These features of shopping with buddies will increase customer satisfaction. In turn, the increased customer satisfaction will increase the probability that the online shoppers will return in the future for additional shopping as well as recommending the site to others.

Regarding claim 2 and related claims 6 and 20, Lee teaches a method wherein said step of notifying a first online shopper comprises providing a buddy position indicator on a graphical map of an online shopping mall (Para. 0084).

Regarding claim 3 and related claims 12 and 22, Banks teaches a method wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper name criteria (Para 0064).

Regarding claim 4 and related claims 13 and 22, Banks teaches a method wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper position criteria (Para 0064). Please note that Banks does not specifically disclose location. However, Banks discloses searching to match other attributes specified by the user. Moreover, Lee does disclose location. In that regard, it would have been obvious one of ordinary skill in the art at the time of the invention to have extended the method and system of Banks with location criteria. In this manner, the user can locate a buddy's location.

Regarding claim 5 and related claims 14 and 23, Banks teaches a method wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper interest term criteria (Page 4, Para 0064).

Regarding claim 6 and related claims 15 and 24, Banks teaches a method wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper position proximity criteria (Page 4, Para 0064).

Regarding claim 8 and related claims 17 and 26, Banks teaches a method wherein said step of automatically associating said first online shopper with said one or more concurrently online shoppers comprises establishing a communications session between said online shoppers (Page 4, Para 0060).

Regarding claim 9 and related claims 19 and 27, Banks teaches a method wherein said step of establishing a communications session between said online shoppers further comprises making a record of said communications session (Page 4, Para 0064).

Please note that Banks does not specifically disclose recording the communication session. However, it is old and well known that these chat/communications sessions can and are saved in a database, which is effectively a recording. In this manner, the individuals will be able at a later to review their online chat sessions as necessary.

**Claims 7, 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Lee and Banks as applied to claims 1, 10 and 19 above, and further in view of Ferreira (US 2001/0034661 A1).**

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The combination of Lee and Banks substantially discloses and teaches the applicant's invention.

However, the combination does not specifically discloses and teach a method and system wherein said step of automatically associating said first online shopper with said one or more concurrently online shoppers comprises setting position coordinates for both shoppers to equivalent values.

On the other hand in the same area of online method and systems and regarding claim 7 and related claims 16 and 25, Ferreira teaches a method and system wherein said step of automatically associating said first online shopper with said one or more concurrently online shoppers comprises setting position coordinates for both shoppers to equivalent values (see at least Abstract and Figures 4, 5 and 16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Lee and Banks with the a method and system of Ferreira to have enabled a method and system wherein said step of automatically associating said first online shopper with said one or more concurrently online shoppers comprises setting position coordinates for both shoppers to equivalent values. The combination of Lee and Banks teaches a method and system for providing enhanced online shopping experiences to online shoppers for automatic association of two or more online shoppers, said method comprising the steps of: an online shopper



searching a list of concurrently online shoppers according to a set of search criteria, said shoppers each contemporarily being a user of a common virtual shopping resource, said shoppers being otherwise disassociated with each other; notifying a first online shopper that at least one other concurrently online shopper meets said search criteria; and automatically associating said first online shopper with said one or more concurrently online shoppers meeting said criteria. Ferreira disclose a method and system wherein said step of automatically associating said first online shopper with said one or more concurrently online shoppers comprises setting position coordinates for both shoppers to equivalent values (Abstract and Figures 4, 5 and 16). Therefore, it would have been obvious to one of ordinary skill in the art to have extended the combination of Lee and Banks with a method and system wherein said step of automatically associating said first online shopper with said one or more concurrently online shoppers comprises setting position coordinates for both shoppers to equivalent values.

### ***Response to Arguments***

Applicant's arguments, see previous rejection, filed 6-1-2004, with respect to the rejection(s) of claim(s) 1 - 27 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Lee (US 2002/0154171 A1).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Smith** can be reached on **(703) 308-3588**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

**Alexandria, Va. 22313-1450**

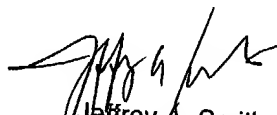
or faxed to:

**(703) 872-9306** [Official communications; including  
After Final communications labeled  
"Box AF"]

**(703) 746-7418** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

RER

  
Jeffrey A. Smith  
Primary Examiner